

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Case No. 2:04-CR-262 JCM (PAL)

Plaintiff(s),

ORDER

V.

DAVID KENT FITCH,

Defendant(s).

Presently before the court is counsel Mario D. Valencia's motion to amend and/or correct the court's order (CR 342), or in the alternative to withdraw as counsel for [defendant] Fitch. (Doc. # 343). The government has not responded.

Local rule IA 10-6 allows an attorney to withdraw from a case “by leave of the court after notice served on the affected client and opposing counsel.”

Mr. Valencia has not previously moved this court to withdraw as counsel. He now moves to withdraw as counsel for defendant Fitch.¹ Defendant Fitch alleges in his § 2255 motion that Mr. Valencia was ineffective as counsel on direct appeal. Mr. Valencia represents that the § 2255 motion creates a conflict of interest. Accordingly, Mr. Valencia requests that he be permitted to withdraw.

¹ The court notes that Beau Sterling, Esq. is also still listed as a lead attorney for Mr. Fitch. Mr. Sterling is advised that, should he wish to withdraw as counsel for Mr. Fitch, he must also comply with local rule IA 10-6 and submit a motion to this court requesting to withdraw as counsel.

Good cause appearing,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the motion to amend and/or correct the court's order (CR 342), or in the alternative to withdraw as counsel for Fitch (doc. # 343) is DENIED with respect to the motion to amend/and or correct the court's order, and GRANTED with respect to counsel's motion to withdraw as counsel for Fitch.

DATED October 9, 2014.

Xenos C. Mahan
UNITED STATES DISTRICT JUDGE